

AppBosdon No. 09/975,873
Amendment dated December 15, 2004
Reply to Office Action dated October 4, 2004

REMARKS

In view of the preceding amendments and the following remarks, Applicants respectfully request the Examiner to reconsider the patent application identified above and withdraw the present rejection. Claims 1-11 are pending in the present application, all of which stand currently rejected.

35 U.S.C. §102:

The Examiner rejected Claims 1-11 under 35 U.S.C. §102(b) on the basis of Gunderson (U.S. 5,776,142). The Examiner stated that Gunderson shows:

an inner shaft (40); an outer sheath (50); a medical device (labeled in column 4, lines 29-35) is within the outer sheath (50); item 24 (figs. 1 and 2) is considered a handle, i.e. a handle is defined as a part that is designed to be held or operated with the hand that is affixed to the inner shaft (40) and if one considers in fig. 1, item 24 is a handle, then the bottom part of element 24 (distal of element 24) is affixed or attached to the inner shaft (40) and coupled with the outer sheath (50); and wherein a first (20) and second (30) independently moveable actuators (col. 4, lines 52-67 and col. 5, lines 1-16) adjust the longitudinal positions of the inner shaft and the outer sheath. Furthermore, the first and second actuators provide a different amount of mechanical advantage (col. 8, lines 36-60).

(Office Action, page 2).

Applicants respectfully submit that the cited references fail to teach or suggest the present invention, as recited in the Claims. For example, Claim 1 includes the following limitations, among others:

a handle affixed without relative movement to the inner shaft, and operatively coupled with the outer sheath;

a first and second independently moveable actuator for adjusting the relative longitudinal positions of the inner shaft and the outer sheath, each of the first and second actuators providing a different amount of mechanical advantage between an input to one of the first and second actuators by a physician and a resulting relative longitudinal position of the inner shaft and the outer sheath respectively.

(Emphasis added.)

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Likewise, Claim 8 includes the following limitations, among others:

the inner shaft member being firmly affixed to the housing;

the outer shaft member being movably coupled to the inner shaft member, such that the outer shaft member can be moved longitudinally with respect to the inner shaft member;

first and second independent means for selectively moving the outer shaft member with respect to the inner shaft member;

the first means being adapted for precise and sensitive adjustment of the position of the outer shaft member, and the second means being adapted for rapid and relatively large-scale movement of the outer shaft member.

(Emphasis added.)

However, among other limitations, the cited references fail to teach or suggest the claimed invention of Claim 1 and its dependent claims, including "a handle affixed without relative movement to the inner shaft" and "a first and second independently moveable actuator for adjusting the relative longitudinal positions of the inner shaft and outer sheath." Likewise, the cited references fail to teach or suggest the claimed invention of Claim 8 and its dependent claims, including a handle that is "firmly affixed" to the housing.

The Examiner states that the Gunderson reference shows a first (20) and second (30) independently moveable actuator to adjust the longitudinal positions of the inner shaft and outer sheath, and that item 24 "is considered a handle". However, if item 24 (which Gunderson calls a "release wire actuator") is considered a handle, then Applicant continues to conclude it is not "affixed to the inner shaft" (item 40), nor is it "firmly affixed" or "affixed without relative movement". The Gunderson reference specifically mentions that item 24 is movable:

The actuator 24 is preferably mounted for movement along the longitudinal axis of the stent delivery device.

(Column 4, lines 54-56).

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In other words, item 24 is moveable with respect to inner sheath 40. In contrast, the "handle 20 [as opposed to item 24] is preferably fixedly attached to the inner sheath 40" (Column 4, lines 57-58).

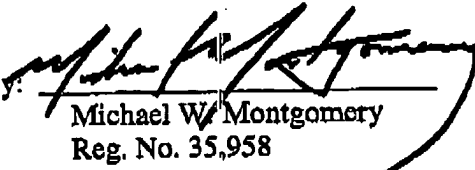
Accordingly, Applicants respectfully request the Examiner to allow the present invention.

Respectfully submitted,
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